

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

KENNON AUNRI JOHNSON

PETITIONER

v.

CIVIL ACTION NO. 2:20-cv-107-TBM-MTP

**SHERIFF JOE BERLIN,
CAPTAIN JASON R. ANDERSON,
and WARDEN T. WINDHAM**

RESPONDENTS

ORDER

This matter is before the Court sua sponte. On April 6, 2020, United States Magistrate Judge Michael T. Parker entered a Report and Recommendation [14] to grant Respondents' Motion to Dismiss [9] and to deny Petitioner's Writ of Habeas Corpus [1] based on Petitioner's failure to exhaust administrative remedies. Petitioner mailed an Open Letter [15] to the Court (stamped October 27, 2020) shortly before the Court mailed the Report and Recommendation to Petitioner (on October 28, 2020). [15-2]. As Petitioner's letter was filed on November 2, 2020, Judge Parker did not have the opportunity to evaluate the contents of Petitioner's letter before filing his Report and Recommendation. In his "open letter," Petitioner claims that "this facility chooses to compromise my mail by not delivering it to me."¹ He states that he has not received any correspondence, acknowledgement, or orders since July 2020, which is when Respondents filed their Motion to Dismiss [9]. Petitioner apparently did, at least, receive the Motion to Dismiss because he filed a Response [12] in early August 2020.

On December 1, 2020, Petitioner submitted a Notice of Change of Address [17] to the Court. In that notice, Petitioner changed his address from the Jones County Adult Detention


¹ Also, in Petitioner's amended Petition [5], he provides as "issues raised" (under "first appeal" and "other appeals"): "I never received my mail."

Facility in Ellisville, Mississippi to—what appears to be—a residence in Meridian, Mississippi. Given Petitioner’s assertion that he did not receive any legal mail from July 2020 to November 2020, the Court is, this day, mailing to Petitioner’s updated address all documents filed in his case (2:20-cv-107) during that time. In fact, these documents, which include Respondents’ Reply to Response in Opposition to Motion to Dismiss [13] and Judge Parker’s Report and Recommendation [14], are being mailed to *both* the Jones County Adult Detention Center and to the Meridian address listed in Petitioner’s Notice [17]. In consideration of Petitioner’s claims regarding lack of access to this legal mail, the Court finds that the Petitioner should have additional time to object to the Report and Recommendation.

THEREFORE, the Court ORDERS that the Petitioner has until May 28, 2021 to file any objection to the Report and Recommendation [14].

IN ADDITION, the Court ORDERS that the Petitioner has until May 28, 2021 to advise the Court whether he remains incarcerated in a Mississippi detention center or has been released, as this information may bear on the procedural posture of his Writ of Habeas Corpus [1]. If Petitioner fails to comply with this order, his Petition may be subject to dismissal. *See* Fed. R. Civ. P. 41(b).

This, the 10th day of May, 2021.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE